## REMARKS

Claims 46-146 were pending at the time the present Office Action was mailed. By this amendment, claims 46, 50, 55, 64, 70, 81, 87, 94, 99, 111, 122, 128, 131, 135, and 142 have been amended. Claims 73-80, 119-121, 126, and 127 have been cancelled without prejudice in an effort to expedite prosecution. Claims 46-72, 81-118, 122-125, and 128-146 remain pending in the present application.

The following is a summary of the Office Action and associated rejections.

(A) Claims 46-49 were rejected under 35 U.S.C. § 112, first paragraph for including new matter, and the drawings were objected in connection with the same reasons.

(B) Claims 50-54 were rejected under 35 U.S.C. § 103(a) for being unpatentable over French Patent No. 2629178 (Arribas) in view of UK Patent Application No. 2 334 328 (Shimek GB '328), UK Patent Application No. 2 068 106 (Rosiek) and UK Patent Application No. 2 035 545 (Palau).

(C) Claims 46-49, 55, 56, 59, 61-75, 79-92, 94-96, 98-104, 106-125, 128-135, and 139-146 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek, Palau and Arribas.

(D) Claims 60, 78, 93, 126, 127 and 136-138 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek, Palau and Arribas, and further in view of U.S. Patent No. 5,941,237 (Shimek et al.) or U.S. Patent No. 4,726,351 (Whittaker).

(E) Claims 57, 76, 77, and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek, Palau and Arribas, and further in view of U.S. Patent No. 5,046,944 (Smith).

A. Rejection of Claims 46-49 under 35 U.S.C. § 112, first paragraph and Drawing Objections

The Examiner rejected claims 46-49 under 35 U.S.C. § 112, first paragraph because of the reference to "direct vent fireplace" and the Examiner objected to the drawings for not showing a direct vent fireplace. Applicants have amended claim 46 to remove the phrase "direct vent". Therefore, Applicants respectfully submit that the rejection has been overcome and that the drawing objection has been obviated.

B. Rejection of Claims 50-54 under 35 U.S.C. § 103(a)

The Examiner maintained the rejection claims 50-54 under 35 U.S.C. § 103(a) as being unpatentable over Arribas, in view of Shimek GB '328, Rosiek, and Palau. Applicant respectfully traverses this rejection for all of the reasons previously submitted (which are hereby reiterated and need not be repeated), and provide the additional reasons for allowance of these claims. As previously presented, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (CCPA 1970). Further, "the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP § 2143. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

The four applied references taken as a whole can not support an obviousness rejection of the claims because the references taken alone or in combination do not teach or suggest each and every limitation recited in the claims. In the current final Office Action, the Examiner states that:

> **FR002629178 (ARRIBAS)** shows and discloses a non-metalic ceramic fiber (see page 2, lines 19-30) burner body having a lower portion or surface (at 14; figure 3,4) and an upper contoured portion or surface (2a, 2b, 3a, 3b) have [sic] a substantially flat portion (3, 3a) forming a simulated-log-support surface adjacent to adjacent to simulated coal members (3a; figure 2), the simulated log-support surface having guide members (19) being configured to align simulated logs (2a, b) relative to the upper portion of the burner body. The examiner therefore maintains that **FR002629178 (ARRIBAS)** meets this limitation of the invention recited in claims 50-54.

First, Applicants would like to point out that the Examiner previously acknowledged that **FR002629178 (ARRIBAS)**, in fact, does not teach or suggest this feature in claims 50-54. In the final Office Action dated May 17, 2007, the Examiner stated "With regard to the rejection of claims **50-54**, Applicant argues that **FR002629178 (ARRIBAS)** "does not provide a burner body having a substantially flat portion forming a simulated-log-support surface adjacent to simulated coal members." *The examiner does not disagree.*" (5/17/01 Final Office Action, pg. 2) (emphasis added). Therefore, for the reasons previously submitted, Arribas does not disclose the features of claims 50-54, and the three secondary references do not correct this deficiency in the primary reference.

Second, Applicant respectfully submits that the Examiner is analyzing Arribas using *impermissible* hindsight analysis while using applicant's discslosure as a blueprint for a piecemeal construction, as evidenced by the Examiner's characterization of Arribas. The Examiner states that Arribas shows and discloses a non-metalic ceramic fiber burner body that has an upper contoured portion or surface (2a, 2b, 3a, 3b) and a substantially flat portion (3, 3a) forming a simulated-log-support surface adjacent to adjacent to simulated coal members (3a; figure 2). Applicant notes that the Examiner is referring to the embodiments of Arribas shown in Figure 1-4. In fact, the embodiments shown in Figures 1-4 of Arribas have integrally formed simulated logs 2a and 2b, and the reference does not teach or suggest a substantially flat portion that forms a simulated-log-support portion that support a simulated log thereon. The Examiner is reading this feature into the reference based on the teaching from Applicant's disclosure.

Further, the Examiner goes on to say that the burner body of Arribas with the upper contoured portion, etc. (reference Figures 1-4) has the "simulated log-support surface having guide members (19) being configured to align simulated logs (2a, b) relative to the upper portion of the burner body." The embodiments relied upon by the Examiner in the first part of his analysis (Figures 1-4), however, do not have "guide members (19)" configured to align simulated logs. Such guide members are not disclosed for these embodiments of Figures 1-4 because the burner has integrally formed simulated logs (2a, 2b), such that guide members that align simulated logs would be superfluous. If fact, the holes 19 to which the examiner refers are only shown in connection with the alternate embodiments of Figures 5-7, wherein simulated logs (Figures 5-6) or alternatively a simulated coal bed are positioned into the holes 19 formed in the flat manifold shown in Figures 5 and 6. Nowhere does Arribas disclose or teach a burner body that has an upper contoured portion and a substantially flat portion that forms a simulated-log-support portion and guide members configured to align simultated logs as claimed. Accordingly, the Examiner's analysis of Arribas alone is clearly an impermissible piecemeal construction of separate features using applicant's disclosure as a blueprint for combining features.

While the Examiner's above-discussed analysis of Arribas did not refer to the other three secondary references, these secondary references do not correct the deficiencies of Arribas. If view of the above and previously submitted remarks, Applicant respectfully submits that the four applied references can not support an obviousness rejection of the claims because the references as a whole taken alone or in combination do not teach or suggest each and every limitation recited in the claims. Therefore, Applicant requests withdrawal of the rejection and allowance of the claims.

Claims 51-54 depend from claim 50. At least for the reasons discussed above, Applicants respectfully submit that these dependent claims are patentable over the cited references and are in condition for allowance.

C. **Rejection of Claims 46-49, 55, 56, 58, 59, 61-75, 79-92, 94-96, 98-104, 106-125, 128-135, and 139-146 under 35 U.S.C. § 103(a)**

The Examiner rejected claims 46-51, 55, 56, 58, 59, 61-75, 79-92, 94-96, 98-104, 106-125, 128-135 and 139-146 under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek, Palau, and Arribas. For all of the reasons previously submitted and hereby reiterated, the four applied references can not support a prima facie obviousness rejection of the claims.

In addition, Claim 46 has been amended to clarify that the burner assembly is for a fireplace, and the burner assembly has, inter alia, a burner pan and the burner body secured to the burner pan with at least one fastener, and the lower portion of the burner body is sealably coupled to the base. The burner body has gas distribution apertures extending from the lower portion to the simulated coal members of the contoured surface. The first set of gas distribution apertures are selectively grouped together and configured with the first recessed gas distribution chamber portion to provide a first gas pressure in the first gas distribution chamber portion to control a first flow rate of fuel gas through the burner body for ignition above a first portion of the simulated coal members and a first flame characteristic in the fireplace. The second set of gas distribution apertures are selectively grouped together and configured with the second recessed gas distribution chamber portion to provide a second gas pressure in the second gas distribution chamber portion different to control a second flow rate of fuel gas through the burner body for ignition above a second portion of the the simulated coal members and a second flame characteristic in the direct vent fireplace unit different from the first flame characteristic. The first and second flow rates of fuel gas and the resulting first and second flame characteristics provide flames with color, movement and different sizes above different portions of the simulated coal bed and simulate a natural wood burning fire. In addition, simulated logs are removeably supported on the burner body, and the burner body provides a simulated bed of glowing embers underneath the simulated logs, and the burner body is configured to distribute the fuel gas at selected rates and volumes to provide the flames about the simulated logs and above the simulated ember bed.

The teachings of the four applied references as a whole taken alone or in combination do not teach or suggest the burner assembly as set forth in claim 46 for all of the reasons previously submitted and hereby reiterated. In addition, none of the references disclose or suggest a burner assembly as claimed that provides first and second sets of gas distribution apertures are selectively grouped together and configured with first and second recessed gas distribution chamber portions, respectively, to provide a first gas pressure in the first gas distribution chamber portion to control a flow rates of fuel gas through the burner body for ignition above the simulated coal members and a first flame characteristic in the fireplace, wherein the first and second flow rates of fuel gas and the resulting first and second flame characteristics provide flames with color, movement and different sizes above different portions of the simulated ember bed and simulate a natural wood burning fire. Further, none of the references taken alone or in combination teach or suggest the burner assembly as claimed with simulated logs removeably supported on the burner body, wherein the burner body provides a simulated bed of glowing embers underneath the simulated logs, and the burner body being configured to distribute the fuel gas at selected rates and volumes to provide the flames about the simulated logs and above the simulated ember bed. The only teaching of such a configuration is provided by the present disclosure.

Claims 55, 56, 58, 59, and 61-63 are also patentable over the combination of four references at least for the above reasons. Regarding claim 55, the claim has been amended to clarify that burner assembly has a burner pan, a spacer, adhesive adhered to the spacer, and a burner body having upper and lower portions. The lower portion of the burner body has edge portions separate from the spacer and the adhesive and spaced apart from the burner pan by the spacer forming an interior gas distribution chamber. None of the applied references teach such a burner assembly with a spacer and adhesive as set forth in claim 55. Shimek GB '328 is silent with respect to such a configuration.

The Examiner has asserted that Shimek GB '328 teaches securing a burner to a base with a bead of adhesive that has a thickness so as to form a spacer. Applicant's

continue to disagree. Nonetheless, the reference does not disclose or suggest a configuration with both a spacer and a separate adhesive. The other three references do not correct the deficiency in the teaching of the primary reference.

Shimek GB '328 also fails to disclose a burner assembly as claimed, wherein an interior gas distribution chamber and gas distribution apertures are specifically sized and configured to maintain a desired gas pressure distribution within the gas distribution chamber during use to control the flow rate of the fuel through the burner apertures to provide selected flame characteristics at different portions of the simulated coal bed to simulate a natural wood burning fire. The reference is silent regarding providing such a configuration. The other three references do not correct the deficiencies of Shimek GB '328. The only teaching or suggestion of a burner assembly as claimed is provided by the present application. Accordingly, the combination of references still does not provide each and every element of the burner assembly as recited in claim 55. Therefore, Applicants respectfully submit that claim 55 is patentable over the applied references and is in condition for allowance.

Claims 56, 58, 59, 61-63, 145, and 146 depend from claim 55. For all of the above reasons and the features of the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claim 64, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further claim 64 has been amended to clarify that the interior gas distribution chamber and the gas distribution apertures are sized and configured to maintain a desired gas pressure distribution within the gas distribution chamber during use to control the flow rate of the fuel through the gas distribution apertures to provide selected flame characteristics at different portions of the simulated coal bed to simulate a natural wood burning fire. None of the four applied references provide any discussion or suggestion of balancing the sizes and configurations of a gas distribution chamber and gas distribution

aperture so as to control gas flow rates and flame characteristics to provide the size, color and movement at different portions of the burner assembly to closely simulate a natural wood burning fire.

Applicants discovered the claimed configuration that achieves the look of a natural wood burning fire by carefully balancing gas distribution chamber, the number, sizes and locations of the apertures, the position, sized and orientation of the simulated coal bed, and the resulting gas pressure distribution and gas flow rates at the different portions of the burner assembly to provide the flames with the various sizes, color and movement and interaction with the simulated coal bed and simulated logs to closely simulate a natural wood-burning fire. Only Applicants disclosure teaches a burner assembly with the claimed configuration that provides the flame characteristics for a natural looking fire. Such a configuration is not obvious nor is it inherent. In addition to the applied references being silent as to such a configuration, the Applicants significant commercial success with its burner assemblies that embody the claimed invention supports the fact that the configuration that achieves such a natural looking fire was not obvious. A further indicator that such a configuration was not obvious is the fact that the Examiner has had to piece together four references, and the combination still doesn't disclose or suggest all of the claimed features. Therefore, Applicants respectfully submit that that claim 64 is patentable over the applied references and is in condition for allowance.

Dependent claims 65-69 depend from claim 64. For the above reasons and the features of these claims, these dependent claims are also patentable over the applied references and are in condition for allowance.

Regarding claim 70, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 70 has been amended to clarify that gas flow distribution surfaces extending between the first and second chamber portions and are configured to direct at least a portion of the fuel gas from the first chamber portion to the second

chamber portion wherein a first gas pressure in the first chamber portion is greater than a second gas pressure in the second chamber portion. Further, the claimed burner assembly has a first set of gas distribution apertures and the first chamber portion being configured to provide the first gas pressure and a first flow rate of fuel gas through the burner body for ignition and a first flame characteristic, and a second set of gas distribution apertures and the second chamber portion being configured to provide the second pressure and a second flow rate of fuel gas through the burner body for ignition and a second flame characteristic different from the first flame characteristic. Claim 70 has also been amended to clarify that at least a portion of the upper surface of the burner body is constructed of a non-metallic material that glows at selected color variations when the fuel gas is ignited adjacent to the contoured surface, wherein these color variations in combination with the first and second flame characteristics provide a first and simulated ember bed that simulate a natural wood-burning fire. For all of the reasons discussed above, the four applied references do not teach or suggest each and every feature of claim 70. The combination of references as asserted by the Examiner would still not provide the claimed burner assembly. Any modification of the references to provide the burner assembly of claim 70 would only be apparent with the benefit of impermissible hindsight analysis that relies on teaching provided only by Applicants' disclosure. Therefore, claim 70 is allowable over the applied references and is in condition for allowance.

Claims 71 and 72 depend from claim 70. For the above reasons and the features of the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claim 81, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 81 has been amended to clarify that the plurality of fuel distribution apertures and the first and second chamber portions are configured to maintain a first gas pressure in the first chamber portion to provide a first flow rate of fuel gas through a first group of the gas distribution apertures, and a second gas pressure in the

second chamber portion to provide a second flow rate of fuel gas through a second group of the gas distribution apertures, wherein the second flow rate is less than the first flow rate to provide smaller flames adjacent to a first portion of the simulated coal members. The amendments are fully supported by the original application, and no new matter has been added. The only teaching of a burner assembly as claimed is provided by the Applicants' disclosure. Even if the references could be combined, such combination would not teach or suggest each and every feature of the burner assembly as a whole as set forth in claim 81. Any modification to the teachings of other the references to provide the claimed invention would only be apparent upon fully understanding the present invention and applying impermissible hindsight analysis with the benefit of information gleaned only from the present application. Therefore, independent claim 81 is patentable over the applied references and is in condition for allowance.

Dependent claims 82-86 depend from claim 81. For the above reasons and the features in the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claim 87, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 87 has been amended to clarify that the first and second recessed gas distribution chamber portions are sized, shaped and configured in combination with the first and second sets of gas distribution apertures, respectively, to maintain a gas pressure distribution configured to control a flow of the fuel gas to the contoured upper surface with at least first and second flow rates of fuel gas for ignition in the gas fireplace unit to provide flames having at least first and second flame characteristics different from each other and that are sized and move relative to the contoured upper surface and about the simulated log in a manner that provide flames with color, movement and different sizes above different portions of the simulated coal members and simulate simulates a natural wood-burning fire. Even if the four references could be combined, the resulting combination would still not teach or suggest the burner

assembly of claim 87. The only teaching or suggestion of any modifications to achieve the claimed burner assembly is provided in the present invention. Therefore, Applicants respectfully submit that claim 87 is patentable over the applied references and is in condition for allowance.

Claims 88-92 depend from claim 87. For the above reasons and the features in the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claim 94, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 94 has been amended to clarify that the gas distribution apertures are positioned and configured in combination with the recessed gas distribution chamber to maintain a selected gas pressure in the gas distribution chamber and to direct the fuel gas to the contoured surface with at least first and second flow rates of fuel for ignition adjacent to the contoured surface to provide flames with at least first and second flame characteristics different from each other. The claim has also been amended to clarify that the recessed gas distribution chamber and gas distribution apertures are sized and configured to create flames of different sizes at different portions of the contoured surface and that have different sizes, colors and above different portions of the contoured surface of the burner body and simulate a natural wood-burning fire. The four applied references, taken alone or in combination, do not teach or suggest a burner assembly with each and every element of claim 94. The references also fail to provide any teach or suggestion of any modifications to achieve the claimed burner assembly. Therefore, claim 94 is patentable over the applied references and is in condition for allowance.

Claims 95-98 depend from claim 94. For the above reasons and the features of the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claims 99 and 111, Applicants respectfully submit that these claims are patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, the claims have been amended to clarify that the gas distribution chamber and the gas distribution apertures are sized and configured to maintain a desired gas pressure distribution within the gas distribution chamber during use to control the flow rate of the fuel through the gas distribution apertures to provide selected flame characteristics at different portions of the simulated coal members to simulate a natural wood burning fire. The only teaching of the burner assembly as claimed with such a configuration is provided by the present application. For the reasons discussed above, the four cited references, taken alone or in combination, do not teach or suggest each and every element of the claim. Accordingly, the cited references can not support a *prima facia* obviousness rejection. Therefore, claims 99 and 111 are patentable over the applied references and is in condition for allowance.

Claims 100-104 and 106-110 depend from claim 99, and claims 112-118 depend from claim 111. For the above reasons and the features of these claims, these dependent claims are also patentable over the applied references and are in condition for allowance.

Regarding claim 122, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 122 has been amended to clarify that the plurality of gas distribution apertures and the first and second chamber portions are sized and configured to provide a gas pressure in the second chamber less than a gas pressure in the first chamber to provide a flow of the fuel gas to the contoured surface of the upper portion of the burner body with at least first and second flow rates of fuel for ignition adjacent to the contoured surface to provide flames with at least first and second flame characteristics different from each other. The only teaching of the burner assembly as claimed with such a configuration is provided by the present application. For the reasons discussed above, the four cited references, taken alone or in combination, do not teach or suggest each and every element of the claim. Accordingly, the cited references can not support a *prima facia*

obviousness rejection. Therefore, claim 122 is patentable over the applied references and is in condition for allowance.

Claims 123-125 depend from claim 122. For the reasons set forth above and the features of the claims, these dependent claims are patentable over the applied references and are in condition for allowance.

Regarding claims 128, 131, and 142, Applicants respectfully submit that these claims are patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claims 128 and 142 have been amended to clarify that the burner assembly has a base, a burner body, a separator, and adhesive that adhesively couples the separator to the burner body or the base. Claim 131 has been amended to clarify that the burner assembly has a base, a burner body, a spacer, and adhesive that adhesively couples the spacer to the burner body or the base. For all of the reasons previously presented and discussed above, the four cited references, even if they could be combined, still do not teach or suggest each and every feature of the claims. Accordingly, the references can not support a *prima facia* obviousness rejection. Therefore, claims 128, 131, and 142 are patentable over the applied references and is in condition for allowance.

Dependent claims 129 and 130 depend from claim 128, claims 132-134 depend from claim 131, and claims 143-146 depend from claim 142. For the above reasons and the features in the claims, these claims are patentable over the applied references and are in condition for allowance.

Regarding claim 135, Applicants respectfully submit that the claim is patentable over the four applied references for all of the previously submitted reasons, which are hereby reiterated. Further, claim 135 has been amended to clarify that the gas distribution apertures and the gas distribution chamber are sized and configured maintain a gas pressure in the gas distribution chamber to control a flow of the fuel gas to the contoured

surface of the upper portion of the burner body with at least first and second flow rates of fuel for ignition adjacent to the contoured surface to provide flames with at least first and second flame characteristics different from each other. The claim has also been amended to clarify that the burner body is configured to distribute fuel gas to the upper portion and around the simulated log to provide a flame having size, color variations and movement that simulates a natural wood-burning fire. For all of the reasons previously presented and discussed above, the four cited references, even if they could be combined, still do not teach or suggest each and every feature of claim 135. Accordingly, the references can not support a *prima facia* obviousness rejection. Therefore, claim 135 is patentable over the applied references and is in condition for allowance.

Claims 139-141 depend from claim 135. Applicants respectfully submit, for the above reasons and the features in the claims, that claims 139-141 are also patentable over the cited references and are in condition for allowance.

D. Rejection of Claims 60, 78, 93, 97, and 136-138 under 35 U.S.C. § 103

Claims 60, 78, 93, 97, and 136-138 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek and Palau and Arribas, and further in view of Shimek et. al or Whittaker. These rejected claims are directed to burner assemblies with, *inter alia*, combustion air holes extending through the burner body and being out of fluid communication with the gas distribution chamber. Applicants respectfully submit, for the all of the reasons set for the above and the features in the claims, that these claims are patentable over the six applied references. Shimek GB '328, Rosiek, Palau, and Arribas, taken alone or in combination, do not teach or suggest the claimed burner assemblies as claimed for the reasons discussed above. Shimek et al or Whittaker do not correct the deficiencies of these references.

E. Rejection of Claims 57, 76, 77, and 105 Under 35 U.S.C. § 103

Claims 57, 76, 77, and 105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimek GB '328 in view of Rosiek and Palau and Arribas, and further in

view of Smith. Smith does not correct the deficiencies of the other four references Therefore, Applicants respectfully submit, for all of the reasons previously presented and the above reasons, that these claims are patent over the applied references and are in condition for allowance.

F. Conclusion

In view of the above amendment and remarks, the pending application, including all pending claims, is in condition for allowance. Applicants therefore request reconsideration of the application and an allowance of all pending claims. If the Examiner wishes to discuss the above amendments or any other issue, the Examiner is encouraged to call Robert G. Woolston at (206) 359-3259. Additionally, if the Examiner notices any informalities in the application, he is encouraged to contact Mr. Woolston to expediently correct any such informalities.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 243148001US3 from which the undersigned is authorized to draw.

Dated: 09/11/08

Respectfully submitted,

By _____

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